



STATE OF FLORIDA

PAM BONDI
ATTORNEY GENERAL

October 24, 2011

In the Matter of)	
)	
)	
Empowering Consumers to Prevent and Detect)	CG Docket No. 11-116
Billing for Unauthorized Charges ("Cramming"))	
)	
Consumer Information and Disclosure)	CG Docket No. 09-158
)	
Truth-in-Billing and Billing Format)	CG Docket No. 98-170

Dear Honorable Commissioners:

I write the following comments as the Attorney General of Florida pursuant to my jurisdiction and authority to protect the interests of all Florida citizens and consumers. As more particularly described below, telephone land line cramming has been prevalent in Florida for many years and my office, in response to consumer complaints, has litigated and settled many cramming related cases. That same cramming experience continues today. Accordingly, I believe additional protections against telephone cramming would be prudent and need to be adopted by the Federal Communications Commission ("FCC") over and above the applicable protections afforded by the FCC's present regulations.

There are certainly many deceitful third-party business entities and individuals cramming unauthorized charges for a myriad of products and services onto consumer telephone bills. However, there is also a dearth of economic analysis reflecting the extent of business being transacted for lawful purpose and for the convenience of telephone customers. Indeed, with the continuing shift of telephone service from land line to wireless, it appears that more and more purchases of goods and services will be done through the use of the telephone and telephone billed charges.

I therefore strongly urge the FCC to impose a mandatory default block on all existing and new telephone customer accounts that would require each customer to opt-in to purchases from a specific vendor. In order for the block to be removed, the customer would contact their telephone company on his or her telephone line used for billing the account and supply the customer's account number or a personal identification number. In addition, the carrier would be required to provide clear disclosures to telephone customers about the ramifications of removing the block. The default block would ensure that the customer truly wishes to purchase products and services from the specific vendor and pay for them using their telephone bill. No additional fee should be charged for the block or its removal. Of course narrow exceptions to the default block could be implemented (prisoner-family calls, operator assistance such as collect calling and dial-around long distance calling) , and customers should be informed of the limited exceptions.

Though the FTC already has Truth-in-Billing rules requiring clear and conspicuous disclosures in connection with charges on telephone bills, more detailed information regarding third-party charges should be embraced by the Commission. Third-party charges need to be more clearly stated both on the first page of the telephone bill where total charges are disclosed, as well as on a separate page of the bill solely related to third-party charges. There should be included on the separate page clear and conspicuous disclosures of the third-party vendor's name, and street, city, and state address; a specific description of the product and service for which the customer is being charged; the telephone company number for any inquiries, complaints or requests for credits and reimbursement of charges; and a telephone number for the FCC and state attorney general for filing complaints concerning a third-party vendor charge. Telephone companies should be required to immediately reimburse a customer for any disputed charges while a default block was, or should have been, in effect. Other disputed third-party charges should be immediately investigated by the telephone company and its findings provided in writing to the customer.

Additionally, telephone companies should be required to submit annual reports with the FCC that are readily obtainable by state attorneys general and other consumer protection enforcement agencies that show all telephone customer inquiries or complaints concerning unauthorized third-party charges. These reports should include the specific reason for the inquiry or complaint and the date of the complaint; the date of the third-party vendor charges on the bill and the name, address and telephone number of the third-party vendor, aggregator and telephone customer; and the amount of any credits or reimbursement to the telephone customer by the telephone company, aggregator or third-party vendor.

Implementation of the foregoing telephone customer protections will provide a healthy framework to ensure that telephone customers in Florida and throughout the United States are afforded an opportunity to purchase those products and

services they choose using their telephone bill for payment, but only upon the customer's express authorization. I thank the Commission for allowing me this opportunity to submit my comments on telephone cramming.

Respectfully,

A handwritten signature in purple ink, appearing to read "Pam Bondi". The signature is fluid and cursive, with the first name "Pam" and last name "Bondi" clearly distinguishable.

Pam Bondi
Attorney General